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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JAN 13 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)

Martin W. Hoffman,)
Trustee-in-Bankruptcy for)
for Astroline Communications)
Company Limited Partnership)

File No. BRCT-881201LG

For Renewal of License of Station WHCT-TV,)
Hartford, Connecticut)

and)

Astroline Communications)
Company Limited Partnership,)
Proposed Assignor)

and)

File No. BALCT-930922KE

Two If By Sea Broadcasting)
Corporation,)

Proposed Assignee)

For Consent to the Assignment of License of)
Station ~~WHCT-TV~~, Hartford, Connecticut)

TO: The Commission

OPPOSITION FOR THE RECORD TO "FURTHER REQUEST FOR EXTENSION OF TIME"

1. Shurberg Broadcasting of Hartford ("SBH") hereby submits, for the record, its Opposition to the "Further Request for Extension of Time" filed on January 6, 1994 by Two If By Sea Broadcasting Corporation ("TIBS") in the above-captioned proceeding. That "Further Request" sought an extension to January 11, 1994 of the time within which to respond to SBH's "Petition to Dismiss or Deny Applications" which was filed on November 3, 1994.

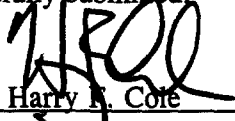
2. As an initial matter, SBH notes that SBH did not receive its service copy of TIBS' "Further Request" until January 13, 1994. (To date, SBH has received nothing which TIBS may have filed on January 11.) The delay in delivery may be attributable to the fact that undersigned counsel's address is incorrect on TIBS' certificate of service and on the envelope containing the "Further

Request". Counsel's street address is 1901 L Street, N.W., *not* "1091 L Street, N.W.". TIBS is hereby requested to correct its records so that delivery of future pleadings is not similarly delayed.

3. In any event, for the reasons which SBH has previously stated with respect to TIBS' two previous extension requests, no valid basis exists for any extensions. Certainly the mere incantation of "inclement weather" -- the latest excuse offered by TIBS -- cannot suffice, particularly since TIBS has declined to indicate how "inclement weather" somehow precluded it from answering arguments which SBH has been advancing two years already.

4. Accordingly, SBH opposes the "Further Request". ^{1/}

Respectfully submitted,


/s/ Harry E. Cole
Harry E. Cole

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Counsel for Shurberg Broadcasting
of Hartford

January 13, 1994

^{1/} For the record, SBH also takes issue with TIBS' completely gratuitous and irrelevant claim that some supposed "abuse of process" and/or "litigious nature" of SBH's sole principal, Alan Shurberg, might have "caused the eventual bankruptcy" of Astroline Communications Company Limited Partnership ("Astroline"), the former licensee of Station WHCT-TV. While TIBS' assertion is not in any way germane to the matter of TIBS' extension request - - and therefore should warrant no comment at all -- SBH is reluctant to remain silent, especially since silence could arguably be construed (incorrectly, in this case) as a kind of tacit concession.

For the record, then, the Astroline bankruptcy was initiated in October, 1988. The bankruptcy proceeding was not initiated by SBH, but rather by various creditors of Astroline. Those facts alone should demonstrate that, contrary to TIBS' fanciful "belief", neither SBH nor Mr. Shurberg was responsible for the bankruptcy. Further, at the time the bankruptcy was filed, SBH was prosecuting its appeal of the 1984 Commission decision allowing Astroline to acquire Station WHCT-TV pursuant to the minority distress sale policy. SBH challenged that action on a number of grounds, including the apparent unconstitutionality of the minority distress sale policy and the fraud inherent in Astroline's factual claim of minority ownership and control (a claim which was essential to invocation of the minority distress sale policy). Since then, the U.S. Court of Appeals for the District of Columbia Circuit and four members of the U.S. Supreme Court have clearly endorsed SBH's legal arguments, and Martin W. Hoffman, the trustee in bankruptcy for Astroline *and* a party to TIBS' assignment application, has clearly endorsed SBH's factual claims of fraud. Under these circumstances it is difficult to perceive any valid basis for any claim of abuse of process.

CERTIFICATE OF SERVICE

I hereby certify that, on this 13th day of January, 1994, I caused copies of the foregoing "Opposition for the Record to "'Further Request for Extension of Time'" to be placed in the U.S. mail, first class postage prepaid, or hand delivered (as indicated below), addressed to the following:

Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W. - Room 814
Washington, D.C. 20554
(BY HAND)

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W. - Room 802
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Commissioner Andrew C. Barrett
Federal Communications Commission
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Commissioner Ervin S. Duggan
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/s/ Harry F. Cole
Harry F. Cole